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31 INC.

32 UNITED STATES DISTRICT COURT
33 NORTHERN DISTRICT OF CALIFORNIA
34 SAN FRANCISCO DIVISION

35 FUZZYSHARP TECHNOLOGIES, INC.,
36 Plaintiff,
37 v.
38 NVIDIA CORPORATION,
39 Defendant.

40 Case No. 12-cv-6375-JST

41 **STIPULATED REQUEST AND
42 [PROPOSED] ORDER TO
43 RESCHEDULE INITIAL CASE
44 MANAGEMENT CONFERENCE**

45 Pursuant to Civil Local Rule 6-2, Plaintiff Fuzzysharp Technologies Incorporated
46 (“Fuzzysharp”) and Defendant NVIDIA Corporation (“NVIDIA”) respectfully submit this
47 Stipulated Request to reschedule the initial Case Management Conference set for December 18,
48 2013 to a later date, if necessary, pending the Court’s resolution of the parties’ dispute as to the
49 proper disposition of this case. Certain deadlines that trigger off of the initial Case Management
50 Conference as set forth in the Civil and Patent Local Rules and Federal Rules of Civil Procedure

51 STIPULATED REQUEST AND [PROPOSED] ORDER
52 TO RESCHEDULE INITIAL CASE MANAGEMENT
53 CONFERENCE 12-cv-6375-JST

1 will be continued accordingly. No other deadlines should be affected.

2 The only remaining claim against NVIDIA in this case alleges willful, direct infringement
 3 of U.S. Patent No. 6,172,679 ("the '679 patent"). In a recent November 7, 2013 Order in
 4 *Fuzzysharp Techs. Inc. v. Intel Corp*, Case No. 12-CV-04413-YGR (N.D. Cal. filed Aug. 22,
 5 2012) ("Intel"), the Court invalidated all asserted claims of the '679 patent. *Intel* Dkt. No. 74
 6 (Order Construing Claim Terms in Dispute and Granting Summary Judgment in Favor of
 7 Defendant Intel Corporation). Consequently, NVIDIA believes this case should be dismissed on
 8 collateral estoppel grounds for the reasons to be set forth in its forthcoming brief. Fuzzysharp has
 9 indicated that it intends to appeal the decision in *Intel* and instead favors a stay of this case
 10 pending that appeal. The parties have met and conferred on this issue and failed to reach an
 11 agreement. NVIDIA therefore intends to file a motion seeking dismissal of this case. Because
 12 the parties believe that this case should be either stayed or dismissed, the parties agree that
 13 rescheduling the Case Management Conference until after NVIDIA's intended motion to dismiss
 14 is heard and decided is in the best interest of the parties and judicial economy.

15 The initial Case Management Conference was originally scheduled for March 22, 2013
 16 (Dkt. Nos. 3 and 10), vacated by the Court's Reassignment Order (Dkt. No. 13), and reset for
 17 March 26, 2013 (Dkt. No. 20). The Court has since rescheduled the Case Management
 18 Conference for May 15, 2013, in response to the parties' first stipulated request, and subsequently
 19 for June 26, 2013, in response to an unopposed motion by Fuzzysharp (Dkt. Nos. 23, 27).
 20 On June 5, 2013, the Court continued the Case Management Conference until August 14, 2013
 21 (Dkt. No. 34). On July 30, the Court granted the parties' stipulated request to reschedule the
 22 Case Management Conference until after resolution of NVIDIA's Motion to Dismiss
 23 Fuzzysharp's Amended Complaint, and rescheduled the Conference to October 23, 2013
 24 (Dkt. Nos. 39-40). On September 30, 2013, the Court granted the parties' stipulated request to
 25 reschedule the Case Management Conference to December 18, 2013, due to scheduling conflicts
 26 of NVIDIA's lead counsel (Dkt. No. 46).

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1 In light of the high probability that this case will either be dismissed or stayed as a result
2 of the ruling in *Intel*, the parties respectfully request that the initial Case Management Conference
3 be rescheduled to a later date if still necessary pending resolution of this dispute, subject to the
4 convenience of the Court.

5

6 Dated: November 22, 2013

Dated: November 22, 2013

7 Orrick Herrington & Sutcliffe, LLP

8 By: /s/ James Freedman
9 James Freedman
10 Attorneys for Defendant
 NVIDIA CORP

By: /s/ David Fink
1 David Fink
2 Attorney for Plaintiff
3 FUZZYSHARP TECHNOLOGIES INC.

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6 Pursuant to Civil Local Rule 5-1(i)(3), counsel for NVIDIA has obtained the concurrence
7 of Fuzzy sharp's counsel in the filing of this Stipulated Request.

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9 By: /s/ James Freedman
10 JAMES FREEDMAN
11 Attorneys for Defendant
12 NVIDIA CORPORATION

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PURSUANT TO STIPULATION, IT IS SO ORDERED:

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21 Dated: November 25, 2013


22 Jon S. Tigar
23 United States District Judge

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